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Boudreau, Paul E

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To: Burger, David
Subject: RE: NYTimes 6/2/06 article on German Citizen case/Macedonia

RELEASED IN FULL

From: Orlansky, Michael D
Sent: Friday, June 02, 2006 8:58 AM
To: Milovanovic, Gillian A; Wohlers, Paul; Hubler, Stephen A
Subject: NYTimes 6/2/06 article on German Citizen case/Macedonia

From today's NYTimes FYI.

The New York Times

June 2, 2006

German Spy Agency Admits Mishandling Abduction Case

By SOUAD MEKHENNET and CRAIG S. SMITH

Germany's external intelligence service, the BND, said yesterday that it knew about the American seizure and detention of a German citizen 16 months before the country was officially informed of his mistaken arrest. It was unclear whether that information had been passed on to senior officials.

Germany had previously maintained that it did not learn of the abduction of its citizen, Khaled el-Masri, until he returned to Germany in May 2004.

The disclosure on Thursday, made as a parliamentary inquiry into the case reconvened in Berlin, adds to suspicions that European governments, or at least their intelligence services, have abetted the American practice of "extraordinary rendition." The phrase refers to the kidnapping of terrorism suspects by American agents who then secretly transport the suspects to third countries for interrogation, beyond the jurisdiction of American laws.

Any European participation in the extrajudicial seizures and detentions, not to mention the torture that is said to be involved, would constitute a breach of the European Convention on Human Rights. The Council of Europe, which enforces the convention, is investigating the allegations of European participation in the American rendition program.

Mr. Masri's ordeal, first reported by The New York Times in January 2005, is one of the best-documented cases of extraordinary rendition. The case ignited outrage in Germany, and the government has publicly criticized the Bush administration.

Mr. Masri said he was detained in Macedonia in December 2003. His name is similar to that of a man wanted in connection with the Sept. 11 attacks.

He said the Macedonian authorities held him for 23 days before turning him over the Central Intelligence Agency, which flew him to Afghanistan, where he was held for five months. He said he was flown to Albania

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and released after his captors determined that he was not the man they were seeking.

The American ambassador to Germany, Daniel R. Coats, officially informed Berlin of Mr. Masri's mistaken arrest shortly after his release.

Although the United States has acknowledged that Mr. Masri was detained as part of the rendition program, neither American nor Macedonian authorities have officially confirmed that he was seized in Macedonia. But a Macedonian official who was directly involved in the case acknowledged Macedonia's role in the abduction after being promised anonymity.

"This declaration from the BND makes it clear that everything started in Macedonia and that he was handed over to the Americans there," said Manfred Gnjidic, Mr. Masri's lawyer in Ulm, Germany. Mr. Gnjidic maintains that the German government knew about Mr. Masri's abduction and did nothing.

In a statement on Thursday, the BND said it had interviewed all of the employees of the Germany Embassy in Macedonia this year after a Times article reported that Macedonia had informed Germany of Mr. Masri's case within days of his transfer to American custody.

The intelligence service said no one reported knowing anything. But now, with a parliamentary commission preparing to call witnesses in its investigation, one midlevel BND official at the embassy has come forward to say that he was told of Mr. Masri's arrest in early January 2004.

According to the statement, the unidentified BND employee said that while eating in a Macedonian government canteen, someone he did not know told him that a German citizen named el-Masri had been arrested in Skopje, Macedonia's capital, and handed over to the Americans.

Because the matter was unrelated to the BND employee's job, the statement said, he did not do anything. It also said there was a "high possibility" that the employee did not tell anyone else. The BND said the information should have been forwarded to its headquarters in Berlin.

"I asked during my time in Macedonia to talk to someone from the German Embassy, and one of the Macedonians told me, 'But the Germans don't want to talk to you,'" Mr. Masri said on Thursday.

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